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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6139/2024, CM APPL. 25531/2024**

TRIDIBES BASU

.....Petitioner

Through: Mr. Koshy John, Advocate.

versus

**THE DISCIPLINARY COMMITTEE, INSTITUTE OF
CHARTERED ACCOUNTANTS OF INDIA & ORS.Respondents**

Through: Mr. Ramji Srinivasan, Senior
Advocate with Ms. Pooja M. Saigal
and Mr. Jatin Dua, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.08.2024

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1. The present petition has been filed seeking the following prayers:

- “a) Issue a writ of certiorari or any other appropriate writs/directions quashing and setting aside the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2) passed by the Respondent No. 1 under Section 21B(3) of the Chartered Accountants Act, 1949 in the disciplinary proceedings bearing case reference number PPR/HPC/DD/79/INF/I 8/DC/898/18 (‘disciplinary proceeding’); AND*
- b) Issue a writ of mandamus or any other appropriate writs/directions staying the operation of the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2) during the pendency of the present proceedings and till such time that the composition of the Appellate Authority is complete and the same is functional and the Petitioners' appeal and stay application are taken up for consideration by the Appellate Authority in terms of Section 22G of the Chartered Accountants Act, 1949; AND*
- c) Issue, a writ of prohibition or any other appropriate writs/directions restraining the Respondents from taking any adverse action/steps in furtherance of the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2); AND*
- d) Issue a writ of mandamus or any other appropriate writs/directions*



directing the Respondent No. 1 to withdraw the Penalty Order dated 25.04.2024 (Annexure P-1) published by it on its website; AND

e) Issue a writ of prohibition or any other appropriate writs/directions restraining the Respondents from publishing, communicating or otherwise circulating the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2) in any manner; AND

f) Issue a writ of mandamus or any other appropriate writs/directions directing the Respondents to withdraw communications, if any, copied to any authorities and/or person(s) other than the Petitioner, with respect to the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2); AND

g) Issue a writ of mandamus or any other appropriate writs/directions directing the Respondents to take all such remedial steps, including for withdrawal of action, if any, taken by the Respondents in furtherance of the Penalty Order dated 25.04.2024 (Annexure P-1) and Findings dated 22.01.2024 (Annexure P-2); AND

h) Issue a writ of Certiorari or any other appropriate writs/directions calling for all records and notings pertaining to the disciplinary proceedings; AND

i) Issue a writ of Mandamus or any other appropriate writ/directions directing the Respondent No. 4 to take steps as may be necessary in exercise of its supervisory powers upon the Respondents No. 1, 2 and 3 to ensure that the said Respondents discharge their functions in accordance with the CA Act; AND

j) Pass such other writ(s) or further order(s) as this Hon'ble Court may deem fit and proper on the facts and circumstances of the case.”

2. The instant writ petition was entertained on 1st May, 2024, as the Appellate Authority was not functional owing to the fact that the Office of the Chairperson of the Appellate Authority was lying vacant. In such circumstances, as an interim relief, the Impugned order, was stayed.

3. Mr. Ramji Srinivasan, Senior Counsel for Respondent Nos. 1 to 3, states, on instructions that the position has altered and now a Chairperson of the Appellate Authority has been appointed by way of notification dated 16th August, 2024.

4. The Petitioner has already preferred an appeal along with interim applications against the impugned order dated 25th April, 2024 and findings



order dated 22nd January, 2024, under Section 22G of the Chartered Accountants Act, 1949.

5. In light of the above, since the Appellate Authority stands appointed, the present writ petition is disposed with a direction that the interim order dated 1st May, 2024 shall continue to remain in force till such time, the Appellate Authority takes up the interim application filed by the Petitioner along with the appeals.

6. The Court has not made any observations on the merits of the case and the Appellate Authority shall adjudicate the appeals on its own merits in accordance with law.

SANJEEV NARULA, J

AUGUST 21, 2024

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